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SERVICE DATE - JUNE 28, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 156)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT—IN HARRIS, FORT BEND,
AUSTIN, WHARTON AND COLORADO COUNTIES, TX

Decided: June 26, 2001

On November 8, 2000, a decision and certificate of interim trail use or abandonment (CITU) was served authorizing a 180-day period for the Sierra Club/Bicyclists Alliance and The Metropolitan Transit Authority of Harris County, Texas (METRO) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a 49.42-mile line of railroad known as the Bellaire Subdivision, extending from milepost 3.48 near Bellaire Junction in Houston, to milepost 52.9 near Chesterville, in Harris, Fort Bend, Austin, Wharton and Colorado Counties, TX. The 180-day period under the CITU expired on May 7, 2001.

By letter filed on June 20, 2001, UP requests an extension of the negotiating period for an additional 60 days. UP states that it has been successfully negotiating with METRO and has not consummated the abandonment.¹

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the CITU negotiating period may be extended.² Under the circumstances, an extension of the negotiating period is warranted. See Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Village v. Missouri Pac. R.R. Co., 95 F.3d 654, 659 (8th Cir. 1996), cert. denied, 519 U.S. 1149 (1997). Accordingly, the CITU negotiating period will be extended to July 6, 2001, 60 days after the expiration of the original negotiating period.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The negotiating period is extended to July 6, 2001.

¹ According to UP, it discontinued service on the line on May 29, 2001.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary